

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEAST DIVISION

JORDAN BLAIR

PLAINTIFF

vs.

Case No. 1:02CV88CAS

BOB WILLS, AKA BOBBY RAY WILLS, AKA W. B. WILLS,
BETTY SUE WILLS, SAM GERHARDT,
DEBORAH GERHARDT, BO GERHARDT, JULIE GERHARDT,
DREW PARRISH, ROBERT O'BRIANT, ROBERT KENNEDY,
DBA "MOUNTAIN PARK BOARDING ACADEMY,"
and PALM LANE BAPTIST CHURCH, INC.

DEFENDANTS

**SUBMISSION OF DEPOSITION TESTIMONY IN OPPOSITION TO SUMMARY
JUDGMENT**

Comes now Plaintiff Jordan Blair and states:

Pursuant to Docket Text ORDER re [101] MOTION for Extension of: Time to File Excerpts from Depositions of the Blairs, filed by Jordan Blair, Plaintiff was granted an extension of time to file portions of deposition transcripts. This pleading is filed, with the deposition and supporting documents, such as letters produced in response to subpoena duces tecum to the depositions, in opposition to the motion for summary judgment.

Ron Blair

1. 21-32, showing that Ron Blair would not have sent Jordan Blair to Mountain Park Boarding Academy if he had known or believed that the abuse alleged in the complaint would take place.

2. Page 29 of the Parent-Student Handbook, saying that the medical escrow is to be used to pay medical expenses.
3. Sam Gerhardt deposition where he says, at line 1028, that the escrow is not to be used for such purposes.
4. Betty Wills deposition where she says that prescription medicine comes out of the escrow account.
5. Jordan Blair letter to parents dated November 2, 2001, where he said “I can’t have my medicine so don’t bother to send that.” (Most probably referring to Zoloft)
6. Jordan Blair letter to parents dated 12-14-01, in which Jordan asked for Neutrogena face wash and Retin-A, in the margin of which Sam Gerhardt wrote “Call me or email me so I can help you respond to this...Bro. Gerhardt.”

Jannett Blair

7. Page 3 to show that Jannett Blair participated in the decision making concerning the care and placement of Jordan Blair.
8. Page 5 to show that Jannett Blair would not have sent Jordan Blair if she had known or believed that Jordan Blair would be deprived of sleep.
9. Pages 11-15 to show that Jannett Blair thought that Mountain Park Boarding Academy policy would not allow Jordan Blair to have acne medicine, and to show that she would not have sent him if she had known or believed that bathroom deprivation would take place at Mountain Park Boarding

Academy.

10. Pages 16-18 to demonstrate that Ron Blair choked Jordan shortly before Jordan was sent to Mountain Park Boarding Academy.

11. Page 24 where Jannett Blair said that she would change her mind about Mountain Park Boarding Academy if Jordan Blair could prove the allegations in his complaint.

Chris Blair

12. Page 7-9, to show that Chris Blair told his father that he would call the police if an incident similar to the guitar breaking altercation took place, and also that Ron Blair, in choking or at least placing his hands on Jordan Blair's neck, caused a purple spot on Jordan's neck.

Respectfully submitted,

By: /s/ Oscar Stilley
Oscar Stilley, Attorney at Law
Central Mall Plaza Suite 520
5111 Rogers Avenue
Fort Smith, AR 72903-2041
Attorney for Plaintiff
479 996-4109
501-646-0333 Fax
oscar@oscarstilley.com email

CERTIFICATE OF SERVICE

I, Oscar Stilley, by my signature above certify that I have this January 16, 2004 served the defendants with a copy of this pleading electronically by email (CM/ECF being temporarily unavailable) to: John Oliver, Attorney at law, Oliver, Oliver, & Waltz, PO Box 559, Cape Girardeau, MO, 63702-0559; and John Briggs, Attorney at law, Brown & James, P.C., 1010 Market Street, 20th Floor, St. Louis MO 63101-2000.

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1 MR. OLIVER: Same objection.

2 MR. BRIGGS: I'll join. Also, at this point, I
3 feel a line of questions of a similar nature
4 continuing, and I ask that the objection be
5 continuing through this line of questions.

6 MR. STILLEY: Certainly. Your request is
7 granted, your objection is continuing throughout the
8 line.

9 MR. BRIGGS: Thank you, Judge Stilley.

10 A. Well, let me answer it this way, Mr. Stilley. The best
11 way I know how to answer that is that it didn't matter what I
12 thought, to Jordan, because Jordan wouldn't take his medicine
13 when we provided it for him at home. That was part of the
14 problem.

15 Q. What kind of medicine are you talking about?

16 A. His acne medicine.

17 Q. You're telling -- now you understand you're on oath,
18 correct?

19 A. Yes, Sir.

20 MR. OLIVER: You know, Mr. Stilley, you do that
21 again, we're going to quit. These little sly
22 insinuations by a lawyer who has been disciplined by
23 the Arkansas Supreme Court, and the United States
24 District Court for the Western District are
25 unbecoming to the profession. He knows he's under

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1 oath. You don't need to remind him. That sly
2 innuendo is an attempt by you to comment on his
3 testimony. Don't do it again. This'll be over.

4 MR. STILLEY: I believe you've done the same
5 thing in this very case.

6 MR. OLIVER: This'll be over. Do it again, and
7 it's over.

8 MR. STILLEY: Oh, you're just going to
9 unilaterally terminate somebody else's deposition?

10 MR. OLIVER: Yes. Yes. A matter of
11 professional conduct, Mr. Stilley, which we haven't
12 seen any of yet this morning from you. Now if you're
13 going to ask the questions without the innuendo, ask
14 away.

15 Q. What kind of medicine was Jordan Blair taking when he was
16 sent to Mountain Park?

17 A. He wasn't taking any. That was part of the problem I
18 mentioned. We provided medicine for him, but he wouldn't take
19 it.

20 Q. I thought medicine was prescribed to him.

21 A. The medicines that were prescribed to him were when he -
22 Remeron, I believe, was one of them. That was when he came out
23 of Moccasin Bend, and the in-patient care at Willow Crest. And
24 Zoloft. Those are the two I remember.

25 Q. What's Remeron for?

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1 A. I really don't know the medical explanation of that. I
2 know that when he was there, that he would get out of hand, and
3 I was told it would take up to four people to hold him down and
4 administer shots to him.

5 And then they give him the Remeron and stuff when they
6 discharged him, and the Zoloft. When he come home, he was very
7 subdued. He didn't act out. He did what he was -- should do
8 up until he wouldn't take the medicine, and then he would begin
9 -- you could see the pattern return. And he would start acting
10 out again.

11 Q. Okay, Remeron, Zoloft, and what else?

12 A. Just -- from my recollection, just the acne medicine he
13 took.

14 Q. What kind of acne medicine?

15 A. I really don't recall.

16 Q. Was it a prescription drug?

17 A. I believe it might have been then.

18 Q. But you don't remember the name of it?

19 A. No, I don't.

20 Q. Did you send any of that prescription medicine with Jordan
21 when he was sent to Mountain Park?

22 A. No, I didn't.

23 Q. Did you send any Zoloft with Jordan to Mountain Park?

24 A. No, I didn't.

25 Q. Did you send any Remeron to Mountain Park?

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1 A. No, I didn't. It's like I told you, he wasn't taking it
2 before he went.

3 Q. Well, did you not think that he might need some while he
4 was there?

5 A. I thought he needed some while he was at home, but, like
6 said, he wouldn't take it.

7 A. Well, -

8 Q. That's what led his actions to get him where he was at.

9 Q. Well, were you mad at him? Is that the reason you
10 wouldn't send any medicine with him?

11 A. No, Sir.

12 Q. Why did you not send the Zoloft with him?

13 A. Well, like I said, he wasn't taking it.

14 Q. Is that the only reason?

15 A. As far as I can recall.

16 Q. How about the Remeron?

17 A. The same with it.

18 Q. He just wouldn't take it?

19 A. He wouldn't take it.

20 Q. So you didn't send any.

21 A. No.

22 Q. Do you think Mountain Park might have the capabilities to
23 make him take stuff like that?

24 MR. BRIGGS: Objection. Calls for speculation.

25 A. I really don't know.

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1 Q. What about the acne medicine?

2 MR. BRIGGS: Same objection.

3 A. I really don't know.

4 Q. Did you send him any over-the-counter acne medicine?

5 A. No.

6 Q. You knew that Jordan Blair has serious acne problems,
7 didn't you?

8 MR. BRIGGS: Same objection, Oscar. That also
9 seeks a medical conclusion. You haven't laid any
10 foundation that this guy is a doctor.

11 MR. STILLEY: He's a father. He knows about
12 his son's acne.

13 MR. BRIGGS: Well, what qualifies as serious,
14 number one, is vague and ambiguous. In addition,
15 it's something -- if you think he can qualify it,
16 then ask them to qualify it. Otherwise, I think the
17 question is improper. My objection is that.

18 A. I didn't know. I wouldn't know whether it was serious or
19 not. I do know that from his eating habits of binging, and
20 just not eating like he should, and his sleep deprivation that
21 he had at home, staying up all nights an hour, that had a lot
22 to do with his acne then. I don't know in the fact, from his
23 teenage years, that all kids go through that. Now that's the
24 extent of my knowledge of it.

25 Q. Well, what did you observe concerning his acne?

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1 A. Acne.

2 Q. Was it on his face?

3 A. Yes.

4 Q. Any other parts of his body, that you saw?

5 A. I believe his back.

6 Q. How bad?

7 A. Just looked like normal acne to me.

8 Q. Did he have to put some kind of a cream on it?

9 A. He did, I believe. He put something on it.

10 Q. Did he put that stuff on it while he was staying at home
11 with you?

12 A. At times.

13 Q. When he needed it?

14 A. Not every time.

15 Q. Did you have to tell him that he needed to put that
16 medicine on?

17 A. I believe he had been told, yes.

18 Q. How many times?

19 A. I couldn't say.

20 Q. Is it fair to say that he would ordinarily put on acne
21 medicine when he needed it?

22 A. No, because a lot of the things he did was very
23 unordinary.

24 Q. Well, can you tell us about what percentage of the time
25 you had to remind him to take his acne medicine?

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1 A. No, I couldn't.

2 Q. Did he have to take any acne medicine by mouth while he
3 was living with you?

4 A. Not that I know of.

5 Q. This prescription acne medicine, do you know if it was a
6 cream, or a pill, or what it was?

7 A. I think it might have been a cream.

8 MR. BRIGGS: And actually, I'm going to object.

9 I think he said that he didn't know whether it was
10 prescription.

11 Q. Well, do you know if he had a prescription or not?

12 A. Like I said, I think it was at the time. I think it was

13 Q. Do you know what doctor he got that prescription from?

14 A. A general practitioner in Alma, I believe.

15 Q. Do you know the doctor's name?

16 A. Not really, because there was several that we saw at tha
17 clinic. There was Dr. Sills, Dr. Bishop, Dr. Sasser, and Dr.
18 Schlabach. Now which one it actually was, I'm not sure.

19 Q. Okay. When you sent Jordan Blair to Mountain Park, was
20 part of your motivation to try to deprive Jordan Blair of acn
21 medicine?

22 A. No. Like I said, my motivation was to do whatever we
23 could to help him, in spite of hisself.

24 Q. Was it part of your motivation to try to deprive Jordan
25 Blair of the Zoloft?

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1 A. That would be the same answer.

2 Q. How about Remeron?

3 A. Be the same answer.

4 Q. You're sure about that, right?

5 MR. OLIVER: You know, Mr. Stilley, -

6 A. Yes, Sir, I am.

7 MR. OLIVER: - you are a jerk.

8 Q. While Jordan Blair was at Mountain Park, did he ever ask
9 you for any medication, to your knowledge?

10 A. I'd have to look and see, through the letters. I can't
11 say for sure that he did. I know he asked for other things,
12 just personal items and things like that, and clothing, and
13 shoes -- certain brand names of stuff that he wanted. But -

14 Q. If he had asked for acne medicine, would you have sent
15 that acne medicine to him?

16 A. Well, I didn't have to. I think there was an account set
17 up for his medical needs there at the school, that we had put
18 funds in for those kind of things.

19 Q. Were you relying on that fund to provide for his acne
20 medicine?

21 A. Well, whatever medical need he had, that's what it was
22 there for.

23 Q. Were you told by the people at Mountain Park that acne
24 medicine would be provided for out of that fund?

25 A. No, not that I know of, I wasn't told that.

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1 Q. What were you told about that fund?

2 A. That it was for his medical needs.

3 Q. What medical needs?

4 A. Well, I don't know. I mean, whatever they would be.

5 Q. Were you ever told by Mountain Park personnel that you
6 needed to send some acne medicine?

7 A. I don't recall.

8 Q. If you have been requested to send acne medicine for
9 Jordan, would you have sent it?

10 A. If they had requested it, I sure would have.

11 Q. If Jordan Blair had requested that medicine, would you
12 have sent it?

13 A. Well, I don't know that I would have done that, because
14 they were the ones administering to his needs at the time.

15 Q. Did they tell you not to send acne medicine?

16 A. Not that I recall.

17 Q. Is it possible that they did?

18 MR. BRIGGS: Objection, calls for speculation.

19 A. I really don't think so, but -

20 Q. Do you have any knowledge of why Jordan Blair didn't get
21 acne medicine for an extended period of time while he was at
22 Mountain Park?

23 MR. OLIVER: Extended period of time. Object
24 to it. Assumes facts not in evidence. You can
25 hardly claim that he was there an extended period of

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1 time.

2 A. I don't know.

3 Q. Would you have sent Jordan Blair to Mountain Park if you
4 had known that he would be deprived of acne medicine for an
5 extended period of time?

6 MR. OLIVER: Same objection.

7 MR. BRIGGS: And the objection I had before.

8 A. You know, like I answered you earlier, which, I think I'
9 answered this a couple of times already -- we were trying to
10 everything we knew to do for Jordan, in spite of himself. An
11 that would have to be my answer to it.

12 Q. That doesn't answer my question. The question is, would
13 you have sent Jordan Blair to Mountain Park if you had known
14 that he wouldn't get acne medicine?

15 MR. BRIGGS: Same objection.

16 A. I don't think so.

17 Q. You realize that you have a legal and moral duty to
18 provide for your child's health care, correct?

19 MR. OLIVER: Oh, come on, Oscar.

20 A. And I was.

21 Q. It was your intention that he get adequate health care and
22 medication, correct?

23 A. Yes.

24 Q. Would you have sent Jordan Blair to Mountain Park if you
25 had believed that he would be deprived of the right to go to

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1 the rest room when he needed to go?

2 MR. BRIGGS: Same objection as before.

3 MR. STILLEY: You've got a continuing
4 objection.

5 A. No, I wouldn't.

6 Q. If you had known that Jordan Blair was being assaulted
7 physically, without provocation, would you have sent Jordan
8 Blair to Mountain Park?

9 A. No, I wouldn't.

10 Q. Did you make some complaints, some complaints to the
11 police, against Jordan Blair before he was sent to Mountain
12 Park?

13 MR. BAKER: I'm going to object, and instruct
14 Mr. Blair not to answer any questions relative to any
15 of the court proceedings in the juvenile matter in
16 Crawford County.

17 MR. STILLEY: I'm not asking him about court
18 proceedings. I'm asking about complaints to the
19 police.

20 MR. BAKER: Go ahead and answer that, Mr.
21 Blair.

22 A. Yes.

23 Q. And when were those complaints made?

24 A. I don't know the exact dates and times. I'm sure you do
25 But I don't. I just know it was during the times that we were

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1 having trouble with him.

2 Q. What kind of trouble did you have?

3 A. Well, he cut his wrist, for one thing. He -

4 Q. Did you file a police report for the wrist cutting?

5 A. No.

6 Q. What else?

7 A. He stole our credit cards, and charged pornography calls
8 with them, on our phone. And, after talking to him about it,
9 when we first learned about it, and praying with him, and
10 getting him to acknowledge the problem he was dealing with,
11 he'd just turn around and do it again. And finally, as a
12 resort of him realizing the consequences of his actions, since
13 he wouldn't do it, we did go and file a complaint, sure did.

14 Q. How many times did the credit card theft happen?

15 A. I'm not really sure how many times he used it. But I
16 believe it was more than once. And then it was the same thing
17 with his grandparents' credit card.

18 Q. How many times did you find out about a credit card theft?

19 A. Well, I found out after the fact one time, that I know of.
20 All the occurrences had taken place. And then one time him
21 stealing my mother, Lou Blair's, Social Security card for the
22 same purpose. And he had made calls from her house, also.

23 Q. After you confronted him about the theft of your credit
24 card, and the improper use of that credit card, did that happen
25 again?

INCIDENTAL EXPENSES (Estimated)

Incidental Expense Account (Accrued student expenses per year)	\$ 300.00
Computer Lab Fees (dictated by cost of specific course)	varies
PLAN Test (prep for ACT/ 10th and 11th grades)	\$ 8.00
A.C.T. College Test (12th grade only)	\$ 25.00
Additional expenses that may be anticipated for graduating seniors	\$1,500.00
(Portraits, class ring, announcements, senior trip, graduation dress, etc.)	

Applicants are only admitted on the express condition that they shall remain at the school until the end of the written agreement, unless suspended or allowed to withdraw because of sustained illness. The parent or guardian agrees that in the event the student leaves school because of voluntary withdrawal (voluntary withdrawal includes situations where a parent is asked to remove a student because of the parent's unwillingness to support all MPBBA policies) on parent's or guardian's part during the written term or any subsequent academic session, no part of the fee for the school year shall be refunded or remitted and **ANY UNPAID BALANCE ON ACCOUNT OF SUCH FEES FOR THE SCHOOL YEAR SHALL BECOME IMMEDIATELY DUE AND PAYABLE TO THE SCHOOL AS LIQUIDATED DAMAGE. SCHOOL RECORDS WILL BE WITHHELD UNTIL THIS CONTRACT IS SATISFIED. THERE ARE NO ALLOWANCES FOR PARTIAL MONTH ENROLLMENT.**

MPBBA does not give money back. We reserve the right to use the money any way we deem necessary. An exception in the finance policy for one is NOT meant as an exception in the finance policy for anyone else.

Damages

In the event that a student damages property or equipment, while committing a wrongful act as deemed by MPBBA or the law, the parent is expected to bear the financial responsibility for replacement or repair of the damages.

Medical Escrow

The \$500.00 medical escrow provides preparation against possible medical expenses. Medical needs will be met from this account (appointments, prescriptions, etc.). It is expected that this account be maintained at \$500.00. The balance of this account may be returned upon withdrawal as long as **all medical and other obligations** are met. Allow at least thirty days to pass after withdrawal before requesting the balance.

Incidental Expense Account

The Incidental Expense Account provides for incidental items such as dry cleaning, eye glass repair, fuel expense to doctor visits, etc.... You may check on this account at any time to ensure that sufficient funds are available. It is important that you do not allow this account to become overdrawn.

Expenses For Graduating Seniors

Specific information regarding these expenses will be provided upon request. See Appendix D.

GIVING:

Occasionally the opportunity to give to a ministry will be presented to the students, allowing them to feel a part of helping others in financing God's work. The normal contribution will not exceed \$1.00. Parents who wish to give financially through the ministry of **MPBC** may contact Pastor Wills.

1024 Q You didn't care what he said about his
prescription medications?

A I am responsible to the parent who cares for
him.

1025 Q You are not responsible to the child, too?

A If a child has medicine like acne medicine, and
the parent told us they have got acne medicine, bring it
with you, make sure we have it; and he will get it.

But every student who calls, am I going to ask
the parent "Is this child on acne medication," no, I don't
ask that question.

1026 Q He had a \$500 retainer for medical expenses; did
he not?

A Ask your question again. I am not for sure I am
understanding exactly what you are asking.

1027 Q Jordan Blair's parents paid \$500 to Mountain
Park to provide for the medical necessities of Jordan
Blair; did they not?

A They provided a \$500 medical escrow.

1028 Q That provided enough money to buy acne
medication necessary. Correct?

A No, sir. That is not what that is for.

1029 Q What is it for?

A It is a medical escrow.

A Yes, sir.

212 Q Will that be reflected in the financial records
of the students?

A Yes, sir.

213 Q Are you sure about that?

A Yes, sir.

214 Q Will there be anything in addition to the \$5?

A What do you mean by in addition to the \$5?

215 Q Will there be any charges? Let's say that you
use some kind of drug that costs \$50 a month, will that
\$50-a-month drug be shown as a charge against that
parents' account?

A If we used, if we used that type drug you are
talking about, yes, it would be on there.

216 Q What does the \$5 cover?

A It covers cough drops. It covers Tylenol. It
covers Aleve. It covers all kinds of medicine like that.

217 Q Does it cover the worm medicine?

A It covers everything like that.

218 Q How do I know what is "like that"?

A If it is not a prescription medicine, that is
prescribed especially for that person, that comes from a
doctor, then it is charged in the \$5.

If it is a prescription medicine that has that
child's name on it, that says "This is for this child,"

then it comes out of their account.

219 Q Do you have some prescription medicines that are
not --

A No.

220 Q Wait a minute. Now, let me ask the whole
question. Then, you answer.

Do you have some prescription medications that
you give to a lot of people instead of just the person
that it is prescribed for?

A No, sir.

221 Q Have you ever to your knowledge had an incident
where a child has been given a prescription medicine
without a prescription from a doctor?

A Not to my knowledge.

222 Q Would you have knowledge if that had occurred?

A I would think so.

223 Q What kind of container does this worm medicine
come in?

A It is just a little bottle, I think, just a
small two or three-ounce bottle.

224 Q Is that a one-dose bottle?

A No. I think it has more than one dose in it.

225 Q Do you know how many doses it has?

A No. I don't.

226 Q Do you know what flavor it is?

Montreal.

November 2, 2001

I still need all of my toiletries & stuff. Some shower shoes ... etc. You'll have to buy the clothes or something like. I don't have any dress pants that fit. I need jeans, too ... my regular ones are too baggy. Did Chris have a happy birthday?? Tell him I said hey! How is Timmy?? Well, I'm doing fine. I'm still mad at you guys, but I imagine that you guys are still mad at me too ... Anyway: may I please go into the Air National Guard?? I really want to enlist. Please, I'm begging you. I will have the same (more) discipline than here and I'll be able to go to college instead of having to go through all of the red tape here. Mom & Dad I already have enough credits to graduate ... Mr. Brian required 26, & they require 22 or 23 here?? All of us have stuff to deal with ... at least let me try to make something of myself. All you have to do is send the recruiters' papers up here & I'll sign them. Will you please deeply consider this ... please.

P.S. I can't have my medicine (so don't bother to send that. Will you call Carol? She's at her home & mine here)

Love ya,

Frederic Blain

P.S. Oh I need a flashlight w/ batteries.

Dec 18 01 03:24p

Debby Gerhardt

863-993-3037

p.2

Call me or email me so I can help you respond
to this... Bro Gerhardt

MOM + DAD,

12-14-01

Hey! These are a few things that I've learned these past weeks:
 1) speaking in tongues is false doctrine, 2) the christian music
 you listen to is wicked (+ stuff here calls it trash), 3) our
 church (PCC) is wicked, 4) The music you sing in church
 is wicked, 5) The instruments they use are wicked
 (drums, electric guitar, etc...), and 6) the way they
 sing is wrong; these are some of the things I'm told
 about everyday. Do you agree with this? The way you
 dress is even wrong in their eyes!!? Are you Independent
 Fundamental Baptist? If any of this is true, why does
 it say in the Bible? Just read Acts or 1 Corinthians.
 Why didn't you send me to boot camp or jail if you
 wanted to punish me? At least then I would be
 able to graduate or die! Did you know that
 I'm going to be a high school dropout? Without
 even a GED?! Why? Especially when I have the
 opportunity to go into the Air National Guard and
 start college, and go to a "good" church. Do you
 ever realize what you're doing? Did you send me
 here so you wouldn't have to be responsible for me?
 Why won't you allow me to go into the Air National Guard?
 I still need some clothes, white undershirts (large), Q-Tips, soap,
 Lotion, Oxy towels, hair gel, 0.009 mm card,
 Neutrogena face wash, a suit, dress shoes, Pocket Bible,
 Beta-A, Electric razor, work belt, work boots, book light,
 + a hairbrush.

Sincerely,

Jordan

Jannett Blair
December 23, 2003

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1 JANNETT LEE BLAIR, being duly sworn, testified upon her
2 oath as follows:

3 DIRECT EXAMINATION

4 BY MR. STILLEY:

5 Q. Please state your name.

6 A. Jannett Lee Blair.

7 Q. And who are you married to?

8 A. Ronald Gene Blair.

9 Q. And what's your children's names?

10 A. Jeffrey, Jordan, Christopher, and Timothy.

11 Q. Do you recall sending Jordan Blair to Mountain Park?

12 A. Yes.

13 Q. Did you play any role in the decision to send him to
14 Mountain Park?

15 A. Of course.

16 Q. And what was that role?

17 A. To be in agreement.

18 Q. With your husband?

19 A. Uh-huh.

20 Q. You know what the reasons were for sending him to Mounta
21 Park?

22 A. Yes.

23 Q. What were they?

24 A. He was unmanageable at home.

25 Q. Did you ever go to Missouri and meet Sam Gerhardt?

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1 objection going as on a continuous basis throughout
2 the remainder of the deposition.

3 MR. BAKER: Go ahead and answer the question.

4 A. What was it again?

5 MR. STILLEY: Okay, you've got a continuing
6 objection left.

7 MR. BRIGGS: Yes.

8 MR. STILLEY: I just want to understand that.

9 Q. If you had believed that Mountain Park was going to
10 deprive Jordan Blair of sleep, as is alleged in the Complaint
11 would you have sent him there anyway?

12 A. Of sleep?

13 Q. Right.

14 A. No.

15 Q. Okay. Now do you know what medication that Jordan was on
16 when he was sent to Mountain Park?

17 A. He was on no medication.

18 Q. No medication at all?

19 A. Huh-uh.

20 Q. He had no prescriptions?

21 A. He left Sparks Hospital. He ran away from Sparks
22 Hospital, discontinuing all his medications on his own.

23 Q. How long was he gone from Sparks Hospital?

24 A. Oh, I don't know exactly. Maybe two months that we
25 couldn't find him.

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December 23, 2003

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1 A. Yes. He asked in letters.

2 Q. Okay. And what did you do?

3 A. We told him he couldn't have it.

4 Q. And why did you not want him to have it?

5 A. Well, the school does not dispense medication like
6 antidepressants.

7 Q. Okay. Well, I'm not talking about the antidepressants
8 right now. I'm talking about the tetracycline, Retin-A, and
9 the cream. Was it your understanding that the school had a
10 policy against dispensing those medications?

11 A. Yes.

12 Q. Is that why you didn't send them?

13 A. Partly.

14 Q. Did any personnel at either Mountain Park or Palm Lane
15 tell you not to send tetracycline, Retin-A, or cream?

16 A. No.

17 Q. How did you come to the conclusion that the school did not
18 permit the use of these drugs?

19 A. I believe it was in the handbook.

20 Q. Did you ever ask any questions about the handbook to make
21 sure?

22 A. Not about the medication, no.

23 Q. When Jordan sent you the letter and asked for the
24 tetracycline, Retin-A, and cream, did you do anything at all
25 response to that?

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1 A. We told him that he couldn't have it. We wrote him back

2 Q. Why did you get him started on the tetracycline, Retin-A
3 and cream to begin with?

4 A. Well, the Retin-A is a cream.

5 Q. Okay.

6 A. It's not two things.

7 Q. Do you know how to spell Retin-A?

8 A. Yes.

9 Q. Can you spell it for us?

10 A. R-e-t-i-n dash, capital A.

11 Q. Okay, so there were two things that he had. It was the
12 Retin-A, and the tetracycline?

13 A. For acne.

14 Q. Did you tell Jordan that he was not going to be able to
15 get any of those drugs?

16 A. I believe so.

17 Q. How did he respond?

18 A. Well, he would ask for something else.

19 Q. What else did he ask for?

20 A. Boots. A flashlight.

21 Q. Did he ask for any over-the-counter acne medicine?

22 A. Not that I remember.

23 Q. Do you remember -- when did Jordan start on the acne
24 medicine?

25 A. Oh, gosh. Let me think. Probably -- I'm just blank. I

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1 can't remember. It was down here with Dr. Schlabach or Bisho
2 Probably when he was fifteen.

3 Q. So is it fair to say that he'd been on this medication for
4 perhaps a year before he went to Mountain Park?

5 A. On the acne medication? Yeah, maybe a year.

6 Q. It would seem that in order to get a prescription for acne
7 medication of this type that the acne would have to be pretty
8 bad. Is that true?

9 MR. BRIGGS: Objection. Calls for speculation
10 and a medical conclusion.

11 MR. BAKER: Go ahead and answer.

12 A. Well, it's not as bad as Timmy's is.

13 Q. Does Timmy take prescription medication?

14 A. He just started, and he didn't even ask for it.

15 Q. But he was having problems, so you provided that?

16 A. Yes, just like we did Jordan.

17 Q. Okay. Well, did you know in advance of sending Jordan to
18 Mountain Park that he wouldn't be able to get the acne
19 medicine?

20 A. Yes.

21 Q. And so I take it that was okay with you, to send him
22 anyway?

23 A. Yes. Yes. These were the choices he made.

24 Q. Well, would you consider it a punishment that he wouldn't
25 get his acne medication?

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1 A. No. It was a choice he made.

2 Q. That would be an adverse consequence, would it not?

3 A. It's -

4 MR. BRIGGS: Objection. Argumentative.

5 A. It's called a consequence of your actions.

6 Q. Do you believe that you, as a parent, have a duty to
7 provide the medical necessities of your children?

8 A. Yes.

9 Q. Did you not consider the acne medication to be a medical
10 necessity?

11 A. No.

12 Q. If you had known in advance about the bathroom deprivation
13 and had believed that that would occur, would you have sent
14 Jordan Blair to Mountain Park anyway?

15 A. No.

16 Q. And did you read in the Complaint about the assaults that
17 Jordan is alleging to have happened to him?

18 A. I don't remember -- I remember him saying that other kids
19 were assaulted.

20 Q. You don't remember him saying that he was assaulted?

21 A. No, not really. No.

22 Q. Do you ever remember having a problem with Jordan Blair
23 having improperly used credit cards to buy things he shouldn't
24 buy?

25 A. Yeah.

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1 Q. Do you remember how much he charged up on those credit
2 cards?

3 A. No.

4 Q. Do you know if he ever paid those amounts back in full?

5 A. Well, how can I know that, if I don't know how much he
6 charged, for certain?

7 Q. Did you never figure out how much he charged?

8 A. I think my husband did.

9 Q. Okay. Did you have any knowledge about how much had been
10 charged on the family credit cards?

11 A. I might have at that time, but I don't remember now.

12 Q. Okay. Do you remember if the amounts that were charged on
13 the family credit cards were repaid in full?

14 A. No, I don't.

15 Q. You don't know one way or another?

16 A. No.

17 Q. Okay. When you sent Jordan away, did you have any
18 intention that he would be prevented from having access to
19 legal counsel?

20 A. No. I didn't know he needed any.

21 Q. So I take it from your answer, then, that if he wanted to
22 appeal from an adverse decision at general court that you
23 wouldn't have had any objection to him taking that appeal?

24 A. Yes, I would have objected to it.

25 Q. Would you have -- did you do anything knowingly to try to

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1 prevent Jordan Blair from taking an appeal from that decision

2 A. No.

3 Q. If you had known that sending Jordan Blair to Mountain
4 Park would result in him being deprived of the ability to
5 appeal that decision, would you have sent him to Mountain Park
6 anyway?

7 A. I don't know. That's hard to say. I mean, I didn't know
8 all of this was going to happen.

9 Q. Were you witness to an incident in which there was a
10 guitar broken, and there was a scuffle between Mr. Blair and
11 Jordan Blair?

12 A. Uh-huh. Yes.

13 Q. Do you remember anybody -- well, can you give us just your
14 description of what happened?

15 A. Ronnie was working second shift, as usual. And Jordan
16 acted up pretty good that night. He was walking across the
17 furniture, he was laying under the couch and picking it up in
18 the air, and just acting like a caged animal. And those are
19 the things I remember most vividly.

20 But anyway, I had called Ronnie, and I think he -- I don't
21 remember if he talked to him or not, but when he got home, I
22 told him everything that Jordan had done, and then I started
23 crying, because I had been very upset over the things he was
24 doing, because I didn't understand him. I didn't know who he
25 was, I didn't know what was going on with him, and it had been

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1 night, after night, after night of this.

2 And Ronnie went in there and talked to Jordan. When he
3 came back in the bedroom where I was, I was crying, and I said
4 "Oh good, I'm glad you're going to spank him." And he said,
5 "Oh, you want me to?" And I said, "Yes, I believe he needs a
6 good spanking."

7 And I know he was too big, and whatever, but he went in
8 the bedroom and told him to bend over, and Jordan said no. So
9 that's when the scuffle began. He wouldn't bend over. And he
10 never did.

11 Q. Okay. Well, tell us about the actual scuffle, itself.
12 What did you see?

13 A. A lot of testosterone.

14 Q. Well, can you describe it a little bit more discreetly?

15 A. Pushing and shoving, and yelling, and breaking things.

16 And Jordan put his fists up to his dad, at one point, and
17 Ronnie said, "You don't want to do that, Jordan." So he put
18 his -- took his stance down a little, and they wrestled around
19 in the closet, on the floor, just everywhere.

20 Q. Did you see any choking going on?

21 A. Uh-huh.

22 Q. Who choked who?

23 A. Ronnie choked Jordan.

24 Q. How much did he choke him?

25 A. Just enough for him to be still.

Jannett Blair
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1 Q. Could you tell whether he had gone unconscious or not?

2 A. Yeah.

3 Q. Did he go unconscious?

4 A. No.

5 Q. He didn't go unconscious?

6 A. No.

7 Q. Did you see any marks on Jordan's neck?

8 A. No.

9 Q. Did you look at his neck after the altercation?

10 A. No.

11 Q. Did anybody try to make a telephone call?

12 A. No. I took the two boys out, when that happened.

13 Q. When what happened?

14 A. When they were on the floor, choking.

15 Q. Okay. Did either of the boys try to make a telephone
16 call?

17 A. No. Nobody did.

18 Q. Did you at some point in time find out that Jordan had
19 been sent to Palm Lane Academy?

20 A. Uh-huh.

21 Q. When did you find out?

22 A. I think it was the day it happened, or the day after. I
23 can't remember.

24 Q. Well, do you remember -- what day he would that be?

25 A. I don't know.

Jannett Blair
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24

1 Q. If the military was able to help him, and help him to
2 respect authority, would that have satisfied your concerns?

3 A. How would I know they could do that?

4 Q. Well, we don't, but I'm just asking.

5 A. In my belief, Mountain Park had a much better chance of
6 doing that than the military.

7 Q. Do you still to this day have faith in Mountain Park's
8 abilities?

9 A. Yeah, I do. Until all this stuff is proven to be true,
10 then it's not true to me.

11 Q. Okay. And if this stuff was proven to be true that's in
12 Jordan's Complaint, would that change your mind?

13 A. If it's proven?

14 Q. Yes.

15 A. Yeah.

16 MR. STILLEY: Pass the witness.

17 MR. BRIGGS: No questions.

18 MR. STILLEY: We're all done.

19 MR. BAKER: Thank you, Ma'am.

20 [WITNESS EXCUSED - 2:10 p.m.]

Chris Blair
December 23, 2003

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1 A. Oh, I was going to think. I can't remember. Just that
2 like if I don't have to answer it like they'll say so or
3 something, or he will.

4 Q. Okay.

5 A. Just normal stuff.

6 Q. Did they talk to anything about the facts that you might
7 be questioned about?

8 A. Just about you asking me about my dad choking him.

9 Q. Did they talk about that?

10 A. They just -- they said they doubt you'll ask me about
11 that. That's all.

12 Q. Did they say anything more about that incident?

13 A. Huh-uh. No.

14 Q. Do you remember anybody trying to make a phone call after
15 this incident with your dad and Jordan?

16 A. Yes.

17 Q. Who tried to make the phone call?

18 A. Me.

19 Q. And what happened then?

20 A. They just stopped wrestling, and Jordan finally took his
21 whipping.

22 Q. Okay. Did you make the phone call?

23 A. No. I told them next time they did, though, they did
24 wrestle, I was going to call the cops.

25 Q. Did your dad tell you not to make the phone call?

Chris Blair
December 23, 2003

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- 1 A. No. He didn't say anything.
- 2 Q. Did he take the phone away from you?
- 3 A. No.
- 4 Q. Did you dial the number?
- 5 A. Huh-uh. No.
- 6 Q. Did you just start to dial the number?
- 7 A. No, I picked up the phone. That's all I did.
- 8 Q. Okay, and why did you put the phone back down?
- 9 A. Because they finished. They didn't do any more.
- 10 Q. Did you say you told your dad that you were going to call
- 11 them next time, if the same thing happened?
- 12 A. Yeah. That's what I said, yes.
- 13 Q. Okay. Do you remember an incident in which a knife was
- 14 placed at your throat by Chris?
- 15 A. I'm Chris.
- 16 Q. I mean Tim.
- 17 A. Yes.
- 18 Q. Okay, how did that come about?
- 19 A. We were just at my grandma's. I can't remember what we
- 20 were doing. I think he was just messing with me, though.
- 21 Q. Okay. Did that make you scared of him?
- 22 A. Kind of.
- 23 Q. Do you know whatever came of that?
- 24 A. Huh?
- 25 Q. Do you know if there was any punishment ever dealt out

Chris Blair
December 23, 2003

9

1 over that?

2 A. I can't remember. I know he was punished, but I can't
3 remember what it was.

4 Q. After this incident in which the guitar got broke, do you
5 remember seeing any marks on Jordan's throat or neck?

6 A. Yes.

7 Q. And where were they at?

8 A. Just like right here, just a little purple spot where my
9 dad's thumb was, where he was just holding him down, is all he
10 was doing.

11 Q. Okay. How long did that stay that color?

12 A. Just that night. The next morning it was gone.

13 Q. Okay.

14 MR. OLIVER: And this is admissible in this
15 case because? Come on, Mr. Stilley. Have some
16 decency.

17 MR. STILLEY: Pass the witness.

18 MR. BRIGGS: We have no questions.

19 MR. STILLEY: Thank you.

20 MR. BAKER: Thanks, Chris.

21 [WITNESS EXCUSED 1:34 P.M.]